

# Bring Your Own Bag

## Milpitas Switches to Reusable Bags

10¢ per Paper Bag

### City of Milpitas Bring Your Own Bag Ordinance Frequently Asked Questions For Retailers

#### Ordinance

**1. What type of retailers does this ordinance affect?**

The ordinance applies to all retail establishments defined as any commercial establishment that sells perishable or non-perishable goods and it located or doing business within geographical limits of the City of Milpitas. This includes grocery stores, pharmacies, book stores, convenience stores, national retail chains, and local retail businesses.

**2. How does this ordinance specifically affect me as a retailer?**

You are unable to provide free single-use carryout plastic bags to customers at check out. You may sell reusable bags or 40 percent post-consumer recycled content paper bags. Post-consumer recycled content paper bags must be sold for a price of 10 cents each, and the sale must be itemized separately on the sales receipt.

**3. Does the bag charge increase to 25 cents?**

No. The minimum charge for a paper bag will remain 10 cents.

**4. Do I get to keep the revenue from selling the paper bag?**

Yes, all the revenue from the sale of 40 percent post-consumer recycled content paper bag is retained by the retailer. You are required to maintain on site records for the purchase and sale of any 40 percents post-consumer recycled content paper bags for three years.

**5. Will any purchases be exempt from the ordinance?**

Customers using supplement food programs (WIC and CalFresh, etc.) can be provided a 40 percent post-consumer recycled content paper bag at no charge at checkout.

#### Bags

**1. What types of plastic and paper bags are prohibited by this ordinance?**

Typical thin plastic bags from grocery and clothes stores, with handles, provided at check out are prohibited. Paper bags with less than 40 percent post-consumer recycled content are prohibited as well.

**2. Are there any plastic or paper bags allowed?**

Paper and plastic, without handles, used for protective purposes within a store can be provided. Protective bags can only be used to separate food or merchandise which could be damaged or contaminate other food or other merchandise when combined in a recycled paper bag or reusable bag. This includes bags used for produce, meats,

bulk foods, and prescription medication. However, if a retailer uses "protective bags" exclusively, then this may constitute a violation of the ordinance.

**3. What is a reusable bag?**

A reusable bag has handles and is made out of durable materials specifically designed and manufactured for multiple re-use. Reusable plastics bags must be at least 2.25 mils thick and designed and manufactured for multiple reuse.

**4. Can I continue to sell plastic trash bag liners?**

Yes. Trash bags are not prohibited, unless they are provided at checkout for the purpose of transporting groceries or other goods.

**5. Can I provide my customer with a bio-plastic compostable bag?**

No, compostable bags are not designed for multiple reuse.

**6. Where can I purchase 40 percent post-consumer recycled content paper bags?**

Contact your current bag distributor and inquire about 40 percent post-consumer recycled content paper bags or reusable bags. The ordinance requires that the 40 percent post-consumer recycled content paper bags have printed on it the percent of post-consumer recycled content, the name and the location of the manufacturer, and the words "Recyclable" AND "Reusable".

#### Enforcement

**1. How will the City enforce the ordinance?**

The City's general enforcement approach is to provide the retailer ample opportunity to comply. If the retailer fails or refuses to comply, enforcement actions may escalate, which include warning notices and fines beginning at \$100.

#### Customer Information

Check the City's website at [www.ci.milpitas.va.gov](http://www.ci.milpitas.va.gov) for additional resources for customer education.

